THE MORRIS K. UDALL PARKINSON'S RESEARCH ACT OF 1997

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. UPTON. Mr. Speaker, it is my pleasure and privilege today to join with Represenatative HENRY WAXMAN and 106 of our colleagues in introducing H.R. 1260, the Morris K. Udall Parkinson's Research Act of 1997. This legislation is designed to expand and coordinate research on Parkinson's disease to speed the discovery of a cure for this devastating disorder.

The bill authorizes $100 million in fiscal year 1998 and such sums as may be necessary in fiscal years 1999 and 2000 to expand basic and clinical research, establish up to 10 Morris K. Udall Parkinson's research centers across the country, provide for a coordinated program of research and training with respect to Parkinson's disease at the National Institutes of Health, and establish a grant awards program to support researchers who demonstrate the potential for making breakthrough discoveries in Parkinson's.

Parkinson's disease is a chronic, progressive disorder affecting 1 million Americans. In its final stages, the disease robs individuals of the ability to speak or move. Although Parkinson's disease costs society an estimated $26 billion a year in medical and lost productivity costs—costs which will escalate as the baby boom generation ages—Parkinson's research is severely underfunded. The research funding level has essentially been flat for the past 5 years, averaging about $26 million a year, or only $26 per patient in direct research funding.

I encourage my colleagues who have not already done so to cosponsor the Morris K. Udall Parkinson's Research Act and join us in the search for a cure for this devastating disease.

INTRODUCTION OF THE FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY COMPLIANCE ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce the Federal Electronic and Information Technology Accessibility Compliance Act of 1997. This legislation would strengthen current law that requires information technology purchased by Federal agencies to be accessible to their employees with disabilities. It also would continue the existing expectation that States receiving Federal funds for disability programs meet accessibility guidelines in their information technology acquisitions.

There are approximately 145,000 Federal employees with disabilities, and they comprise 7.5 percent of the Federal work force. While they are employed in a variety of agencies, most of them work in the Department of Defense, the Department of Veterans' Affairs, and the Department of Agriculture. We can be proud that the Federal Government is offering solid employment opportunities to so many people with disabilities and taking advantage of the talents, insights, and knowledge that they have to share.

Information technology has played a large role in opening jobs in the Federal Government and elsewhere to people with disabilities. For example, an estimated 43 percent of employed people who are blind or visually impaired use computers to write. However, information technology can also shut the door to employment for people with disabilities if isn't accessible to them. Web sites with heavy graphics content, for instance, may not be designed to be compatible with software commonly used by people who are blind or visually impaired to read information on computer screens.

So it is imperative to Federal employees with disabilities for Federal agencies to purchase information technology that gives them a chance to do their jobs instead of cutting them off from full participation in the work force.

Section 508 of the Rehabilitation Act was designed to achieve this goal. It calls on Federal agencies to follow guidelines established by the General Services Administration and the Department of Education to ensure that their information technology is accessible to people with disabilities. Unfortunately, section 508 contains no enforcement mechanism, and many Federal agencies are not in compliance with the guidelines.

The Federal Electronic and Information Technology Accessibility Compliance Act of 1997 would add teeth to section 508 by establishing a way to enforce agency compliance with the guidelines. It asks the Office of Management and Budget [OMB] to develop uniform procedures for Federal agencies to use each year to certify whether or not they are in compliance with section 508 guidelines. OMB also is given authority to review agency compliance statements and assist agencies in making their information technology systems accessible to their employees with disabilities.

Additionally, the legislation addresses another problem related to section 508 guidelines. The Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 contain a mechanism to encourage States to follow section 508 guidelines as a condition for receiving Federal funding for disability related projects. However, this law is expected to expire in a few years. My legislation takes the language from the Technology Act and inserts it into the Rehabilitation Act as one of the expectations for States to meet in exchange for vocational rehabilitation funding from the Federal Government.

Mr. Speaker, this legislation will help make the Federal Government a better workplace for people with disabilities. I urge my colleagues to join me in this effort by supporting the Federal Electronic and Information Technology Accessibility Compliance Act of 1997.

CONGRESSMAN MCGOVERN CONGRATULATES LOCAL VOLUNTEERS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. McGOVERN. Mr. Speaker, I would like to congratulate the following citizens of Massachusetts for their outstanding work in making the St. Patrick's Day parade in Fall River, MA, such a tremendous success. As members of the Fall River St. Patrick's Day Parade Committee their hard work and commitment are keeping the city's once lost tradition of a St. Patrick's Day parade alive and well. The parade has become a multicultural event for all the residents of southeastern Massachusetts and its organizers deserve our recognition.

Chuck Gregory, Chairman, Thomas Murphy, Coordinator, Thomas Quinn, Ambassador, John O'Neil, Treasurer, Brian Burns, Treasurer, Richard O'Neil, Events Coordinator, Ron Boulay, Coordinator, Willie Brown T.V. Commentator, Butch Hyland, David Lown, Paul Donnelly, Charlie Donnelly, Sean Murphy, William Ready, Dan Morris, and Robert O'Neil.

THE INTRODUCTION OF THE JUDICIAL REFORM ACT OF 1997

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. HYDE. Mr. Speaker, I am pleased, along with many of my colleagues on the Judiciary Committee, to introduce the Judicial Reform Act of 1997. This necessary legislation addresses one of the most disturbing problems facing our constitutional system today—the infrequent but intolerable breach of the separation of powers by some members of the Federal judiciary.

The first reform contained in this bill was developed originally by a valued member of the committee, Representative BONO of California. Recognizing the unjust effect on voting rights created by injunctions issued in California by one judge against the will of the people of the State as reflected in propositions 187 and 209, this bill provides that requests for injunctions in cases challenging the constitutionality of measures passed by a State referendum must be heard by a three-judge court. Like other Federal voting rights legislation containing a provision providing for a hearing by a three-judge court, the Judicial Reform Act of 1997 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the citizens of a State be afforded the protection of a three-judge court pursuant to 28 U.S.C. 2284 where an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

In effect, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the people of that State. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other voting rights cases. It should be no different in this case, since a State is redistricted

for purposes of a vote on a referendum into one voting block. The Congressional Research Service estimates that these 3-judge courts would be required less than 10 times in a decade under this bill, causing a very insubstantial burden on the Federal judiciary, while substantially protecting the rights of the voters of a State.

This bill recognizes that State referenda reflect, more than any other process, the one-person-one-vote system, and seeks to protect a fundamental part of our national foundation. This bill will implement a fair and effective policy that preserves a proper balance in Federal-State relations. I applaud Mr. BONO for his efforts in extending the protection afforded to Voting Rights Act cases to direct initiatives of the people.

The second reform contained in this bill was developed by the chairman of the Subcommittee on the Constitution, Representative CANADY of Florida. It allows immediate [interlocutory] appeals of class action certifications by a Federal district judge.

When a district judge determines that an action may be maintained as a class action, the provisions contained in the Judicial Reform Act allow a party to that case to appeal that decision immediately to the proper court of appeals without delaying the progress of the underlying case. This prevents automatic certification of class actions by judges whose decisions to certify may go unchallenged because the parties have invested too many resources into the case before an appeal is allowed.

This bill will also prevent abuses by attorneys who bring class action suits when they are not warranted, and provides protection to defendants who may be forced to expend unnecessary resources at trial, only to find that a class action was improperly brought against them in the first place.

The third reform contained in this bill was developed by another valued member of the committee, Representative BRYANT of Tennessee. It requires that a complaint brought against a Federal judge be sent to a circuit other than the one in which the judge who is the object of the complaint sits for review. This will provide for a more objective review of the complaint and improve the efficacy of the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, 28 U.S.C. 372—The 1980 Act—which established a mechanism for the filing of complaints against Federal judges.

Under those procedures, a complaint alleging that a Federal judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts may be filed with the clerk of the U.S. Court of Appeals for the circuit in which the Federal judge to be complained against sits. Under the act, a special committee will report to the judicial council of the circuit, which will decide what action, if any, should be taken.

By requiring that complaints filed under the 1980 act be transferred to a circuit other than the circuit in which the alleged wrongdoer sits, more objectivity and accountability will exist for litigants who find themselves in need of relief from a judge who is not properly performing his or her functions.

The fourth reform contained in this bill prohibits a Federal court from imposing taxes, a function reserved to legislative bodies, for the purpose of enforcing a legal decision. Mr. Speaker, seizing the power of the public purse by imposing taxes on any community is an egregious example of how some members of the judiciary have breached this Nation's founding principle of separation of powers and undermined the concept of self-rule.

In some cases, judges have designed in specific detail local school systems and public housing systems, and then ordered tax increases to finance the spending bills disguised in their judicial rulings. State and Federal laws leave budget and spending authority to legislative bodies, because only a body which represents the will of the people can decide properly how to spend the people's taxes. While rulings on due process are important to protect the rights of litigants, any remedy which would force the public to pay more in taxes must come from the House of the people and not from the authority of the bench. The judiciary is not equipped nor given the power to make such decisions. To allow otherwise is to usurp self-rule and replace it with self-appointed authority. As four Justices of the U.S. Supreme Court have stated, the imposition of taxes by courts ''disregards fundamental precepts for the democratic control of public institutions. The power of taxation is one that the Federal judiciary does not possess.''

This bill will restore the proper balance defined in the Constitution between the Federal branches and Federal-State relations by prohibiting courts from imposing taxes on any community. It retains accountability by legislatures to the electorate, and not to judges.

The fifth reform contained in this bill was also developed by Representative CANADY. It allows all parties on one side of a civil case brought in Federal district court to agree, after initial assignment to a judge, to bring a motion requiring that the case by reassigned to a different judge. Each side of the case may exercise this option only once.

This substitution of judge, or, as referred to in the bill, ''reassignment of case as of right'' provision mirrors similar State laws and allows litigants on both sides of a case to avoid being subjected to a particular Federal judge, appointed for life, in any specific case. It might be used by litigants in a community to avoid forum shopping by the other side in a case, or to avoid a judge who is known to engage in improper courtroom behavior or who regularly exceeds judicial authority.

This provision is not meant to replace appellate review of trial judges' decisions, but rather to complement appellate review by encouraging judges to fairly administer their oaths of office to uphold the Constitution. Many judges face constant reversals on appeal, but still force litigants to bear extraordinary costs before them and further bear the burden of overcoming standards of review on appeal. This provision allows litigants some freedom in ensuring that due process will be given to their case before they bear the costs associated with litigating in trial court and will encourage the judiciary to be as impartial as required by their charge.

Mr. Speaker, this bill is limited in scope. It reforms the procedures of the Federal courts to ensure fairness in the hearing of cases without stripping jurisdiction, or reclaiming any powers granted by Congress to the lower courts. It does assure that litigants in Federal courts will be entitled to fair rules of practice and procedure leading to the due process of claims.

I commend the entire Committee on the Judiciary for their work in procuring these reforms to our courts, and look forward to hearings on this bill in the middle of May by the Subcommittee on Courts and Intellectual Property, chaired by Representative HOWARD COBLE.

SALUTE TO THE DEVIL PUP PROGRAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute to the Devil Pups, an outstanding program that has served Ventura County and California for over 40 years.

The Devil Pups Program was started in 1954 with the objective of developing the qualities of good citizenship, self-control, confidence, personal discipline, teamwork, respect for family and country in young men 14 through 17 years of age. Through interaction with Marine Corps leaders and observation of Marine training, Devil Pups instill a greater sense of pride and personal accomplishment in each of the program's graduates.

As one of the first Devil Pup recruits in 1958, I can personally speak of its merits. I began the program a young boy and emerged a young man. We trained like Marines and we felt like Marines—except we occasionally had access to water while the Marines carried canteens.

Devil Pups gain insight into the principles on which our Nation was founded and thus enhance their pride of country and its flag. During their 10 days at camp, Devil Pups learn first aid, physical conditioning, attend educational lectures on the dangers of drug and alcohol abuse, and much more.

In this time of reliance on Government Expenditure, the Devil Pups are unique. The program is financed entirely by donations from charitable foundations, business corporations, and individuals. They do not accept nor solicit grants from the Federal Government. And, more importantly, there is no cost to the pup or his family.

The Devil Pups and the fine volunteers who operate the program are models for our community and our youth. I wish each of them many more successes.

PROPERTY CLAIMS IN CENTRAL AND EASTERN EUROPE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. SMITH of New Jersey. Mr. Speaker, at the end of the last Congress, I introduced a resolution on the difficult subject of property claims arising from Fascist- and Communist-era confiscations in Central and Eastern Europe. As with the previous resolution, I am joined by my colleagues from the Helsinki Commission in introducing this resolution. Mr. PORTER, Mr. WOLF, Mr. SALMON, Mr. CHRISTENSEN, Mr. HOYER, Mr. MARKEY, and Mr. CARDIN have agreed to be original cosponsors of this resolution.

This resolution stemmed from a hearing I convened in July with Under Secretary of